

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEVEN BRAUNSTEIN,
#64697

Plaintiff,

vs.

BRIAN SANDOVAL, *et al.*,

Defendants.

3:12-cv-00235-LRH-WGC

ORDER

On June 5, 2012, the court issued an order dismissing plaintiff's *pro se* civil rights complaint with prejudice for failure to state any claims for which relief may be granted (ECF #3). Judgment was entered on June 6, 2012 (ECF #5). On June 12, 2012, plaintiff filed a notice of appeal (ECF #6). On June 29, 2012, the court noted *sua sponte* that the judgment should have directed dismissal without prejudice rather than with prejudice of the *Heck*-barred claims (ECF #11). On September 12, 2012, the Ninth Circuit Court of Appeals remanded the matter to this court for the limited purpose of reconsidering the judgment (ECF #13).

IT IS THEREFORE ORDERED that the portion of the Screening Order (ECF #3) dismissing the complaint with prejudice rather than without prejudice is **VACATED**.

IT IS FURTHER ORDERED that the judgment entered on June 6, 2012 (ECF #5), is **VACATED**.

IT IS FURTHER ORDERED that this action is **DISMISSED without prejudice**.

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1 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and close this
2 case.

3 DATED this 25th day of September, 2012.



6 LARRY R. HICKS
7 UNITED STATES DISTRICT JUDGE